

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Rodriguez-Sorto v. The Geo Group, Inc.

No. 1:25-cv-00346 JLT CDB, United States District Court for the Eastern District of California (July 15, 2025)

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations concerning service of process. The court dismissed the United States and U.S. Immigration and Customs Enforcement without prejudice under Federal Rules of Civil Procedure 4(i) and 4(m) because Plaintiff did not timely serve them or respond to the order to show cause.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 15, 2025
DOCKET	1:25-cv-00346 JLT CDB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Order adopting a magistrate judge's findings and recommendations and dismissing the United States of America and U.S. Immigration and Customs Enforcement without prejudice for failure to effect service.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1)(C).
PRECEDENTIAL VALUE	unknown

TOPICS

service of process civil procedure immigration

PRACTICE AREAS

civil procedure immigration

QUESTIONS PRESENTED

- Whether the court should adopt the magistrate judge's recommendation to dismiss the United States and U.S. Immigration and Customs Enforcement for failure to serve them in accordance with Federal Rule

of Civil Procedure 4(i) within the time required by Rule 4(m).

2. Whether the court should exercise its discretion to extend the time for service despite plaintiff's failure to show good cause.

HOLDINGS

1. Because plaintiff did not file proof of service for the United States or U.S. Immigration and Customs Enforcement, did not respond to the order to show cause, and did not demonstrate good cause, the court dismissed those defendants without prejudice under Federal Rules of Civil Procedure 4(i) and 4(m).

KEY QUOTATIONS

"The findings and recommendations issued June 24, 2025 (Doc. 6) are ADOPTED in full."

"Defendants United States of America and U.S. Immigration and Customs Enforcement are DISMISSED without prejudice pursuant to Federal Rules of Civil Procedure 4(i) and (m)."

FACTUAL BACKGROUND

Plaintiff sued four defendants, including the United States and U.S. Immigration and Customs Enforcement. Although plaintiff filed a return of service for Golden State Annex and The Geo Group, no return of service was filed for the Government Defendants within the applicable period. Plaintiff also failed to respond to the order to show cause or demonstrate good cause for the failure to serve those defendants.

PROCEDURAL HISTORY

Plaintiff filed suit against The Geo Group, Inc., Golden State Annex, the United States, and U.S. Immigration and Customs Enforcement on March 21, 2025. Plaintiff filed proof of service for Golden State Annex and The Geo Group but did not file proof of service for the Government Defendants or respond to the order to show cause concerning that failure. The magistrate judge recommended dismissal of the Government Defendants without prejudice under Federal Rules of Civil Procedure 4(i) and 4(m); plaintiff filed no objections, and the district court conducted de novo review and adopted the recommendations.

DISPOSITION

dismissed

CASES CITED

- In re Sheehan, 253 F.3d 507, 512 (9th Cir. 2001)
- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)

OPINION

Rodriguez-Sorto v. The Geo Group, Inc.

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 ALEXIS RODRIGUEZ-SORTO, Case No. 1:25-cv-00346 JLT CDB 12 Plaintiff, ORDER
ADOPTING FINDINGS AND

13 v. RECOMMENDATIONS AND

DISMISSING DEFENDANTS UNITED

14 THE GEO GROUP, INC., et al., STATES OF AMERICA AND U.S.

IMMIGRATION AND CUSTOMS

15 Defendants. ENFORCEMENT WITHOUT PREJUDICE

PURSUANT TO FED. R. CIV. P. 4(i) & (m)

16 17 (Docs. 2, 4, 5, 6) 18 19 Alexis Rodriguez-Sorto filed this lawsuit on March 21, 2025, against
The Geo Group, 20 Inc., Golden State Annex, the United States of America, and U.S. Immigration
and Customs 21 Enforcement. (Doc. 1). The matter was referred to a United States magistrate
judge pursuant to 28 22 U.S.C. § 636(b)(1)(B) and Local Rule 302. 23 On June 13, 2025, the
Court ordered Plaintiff to show cause no later than June 20, 2025, 24 why unserved defendants or
this action in its entirety should not be dismissed. (Doc. 4.) Citing 25 Fed. R. Civ. P. 4(m), the
Court admonished Plaintiff that, absent a showing of good cause, 26 defendants not served within
90 days after the filing of the complaint must be dismissed. Id. The 27 Court informed Plaintiff she
could comply with the OSC in the alternative by filing executed 28 proofs of service of summons
and complaint upon all Defendants by that same deadline. Id. 1 On June 16, 2025, Plaintiff timely
filed a return of service as to Defendants Golden State 2 | Annex and The Geo Group. (Doc. 5.) No
return of service was filed as to the United States and 3 | ICE (“Government Defendants”),
Plaintiff has not filed any declaration in response to the OSC 4 | regarding the failure to serve
Government Defendants, and the time to do so has passed. 5 Following Plaintiffs failures to file
any return of service for Government Defendants or a 6 || response to the OSC regarding the
failure, on June 24, 2025, the assigned magistrate judge issued 7 | findings and recommendations
that the Court exercise its broad discretion to decline to extend the 8 | time within which Plaintiff
may effect service of process upon Government Defendants, and that 9 | Government Defendants
be dismissed without prejudice pursuant to Rules 4(i) and (m). (Doc. 6 at 10 3) (citing In re
Sheehan, 253 F.3d 507, 512 (9th Cir. 2001).) The Court served the findings and 11 |
recommendations on the Plaintiff and notified him that any objections were due within 14 days. 12
| (Doc. 6 at 4.) The Court advised him that the “failure to file objections within the specified time
13 | may result in the waiver of rights on appeal.” (/d., citing Wilkerson v. Wheeler, 772 F.3d 834,
14 | 838-39 (9th Cir. 2014).) Plaintiff did not file objections, and the time to do so has passed. 15
According to 28 U.S.C. § 636(b)(1)(C), this Court performed a de novo review of this 16 | case.
Having carefully reviewed the matter, the Court concludes the findings and 17 || recommendations
are supported by the record and proper analysis. Thus, the Court ORDERS: 18 1. The findings and
recommendations issued June 24, 2025 (Doc. 6) are ADOPTED in 19 full. 20 2. Defendants

United States of America and U.S. Immigration and Customs Enforcement 21 are DISMISSED without prejudice pursuant to Federal Rules of Civil Procedure 4(i) 22 and (m). 23 3. The Clerk of the Court is DIRECTED to terminate Defendants United States of 24 America and U.S. Immigration and Customs Enforcement. 25 26 IT IS SO ORDERED. o7 | Dated: _ July 15, 2025
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TED STATES DISTRICT JUDGE

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